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Court of Common Pleas

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Confirmation Nbr. 3384025

SHIRELLE COPELAND, ET AL.

CV 25 110721

vs.

LG DARROW INC., ET AL.

Judge: SHANNON M. GALLAGHER

Pages Filed: 24

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

<p>Shirelle Copeland 32007 Hamilton Ct., Apt. 104A Solon, OH 44129</p> <p>and</p> <p>E.C. <i>By and through mother and guardian Shirelle Copeland</i> 32007 Hamilton Ct., Apt. 104A Solon, OH 44129</p> <p>and</p> <p>Malana Wells 1925 W. North Temple, Unit C312 Salt Lake City, UT 84116</p> <p><i>Plaintiffs,</i></p> <p>v.</p> <p>LG Darrow Inc. C/O CORPSYS INC. 29550 Detroit Rd. Westlake, OH 44145</p> <p>and</p> <p>Marc Garofoli 1421 Cardinal Ln. Gates Mills, OH 44040</p> <p><i>Defendants.</i></p>	<p>Case No.</p> <p>Judge</p>
CIVIL-RIGHTS COMPLAINT WITH JURY DEMAND	

NATURE OF ACTION

1. This is a civil-rights action brought to remedy Defendants' unjustifiable and racially discriminatory treatment of Shirelle Copeland, her daughter, and minor son when the family

sought to enjoy the benefit of a place of public accommodation, Defendants' restaurant, Oak and Embers Tavern in Pinecrest, Orange Village, Ohio.

2. On January 3, 2021, Plaintiff Shirelle Copeland went to Oak and Embers to eat dinner with her then-20-year-old daughter, Plaintiff Malana Wells and 10-year-old son, Plaintiff E.C.
3. After her son was twice served chicken wings that tasted soured and spoiled, Ms. Copeland politely asked the restaurant's manager to remove the wings from her bill.
4. The manager told Ms. Copeland that the restaurant owner and operator, Defendant Marc Garofoli, refused to remove the item from her bill and threatened to call the police.
5. Even though Ms. Copeland was willing to pay for all items she was served except for the spoiled chicken wings, Defendant Garofoli assumed, based solely on the color of her skin, that she was refusing to pay.
6. Defendant Garofoli unjustifiably called the police on Ms. Copeland—at a time when countless stories of unjustified police brutality against Black citizens were in the news. In fact, Oak and Embers staff members, including Defendant Garofoli, needlessly called the police on Black citizens on multiple occasions.
7. When police arrived, Ms. Copeland politely explained to the officer that she was willing to pay for everything except for the spoiled chicken wings.
8. When the officer made it clear that he believed it was unreasonable to ask Ms. Copeland to pay for something she didn't eat, Defendant Garofoli demanded that Ms. Copeland, an otherwise paying customer, get out of his restaurant.
9. The entire experience was degrading and humiliating for Ms. Copeland and her children. Her minor son, who also has disability, was terrified that his mother would be hurt by police and experienced nervous tics for weeks following the incident, which caused her additional distress.

PARTIES

10. Plaintiff Shirelle Copeland is a human-resources representative for an Ohio hospital and a devoted mother of three children. She resides in Solon, Ohio and is African-American.
11. Plaintiff Malana Wells is the daughter of Shirelle Copeland. She resides in Salt Lake City, Utah and is African-American.
12. Plaintiff E.C. is the minor son of Shirelle Copeland. He resides with his mother in Solon, Ohio and is African-American. She brings suit on his behalf under Civ.R. 17.
13. Defendant LG Darrow, Inc. is incorporated under the laws of Ohio and at all relevant times operated a place of public accommodation: the Oak and Embers Tavern, formerly located at 311 Park Ave., Orange Village, OH 44122.
14. Defendant Marc Garofoli, at all relevant times, was the owner and operator of the now-closed Oak and Embers Tavern in Orange Village, Ohio. He resides in Gates Mills, Ohio. He is a white male.

JURISDICTION AND VENUE

15. The Court has jurisdiction because this action concerns Defendants' violations of Ohio law and the amount in controversy—what Ms. Copeland has suffered in damages—is greater than \$15,000. R.C. 2305.01.
16. The Court has personal jurisdiction over Defendants because they variously own, operate, have agents at, and work at various restaurants in Cuyahoga County, Ohio.
17. Venue is proper here because the events giving rise to Plaintiffs' claims took place in Cuyahoga County, Ohio.

FACTS

E.C. is served inedible food

18. In January 2021, Plaintiff Shirelle Copeland resided in Solon, Ohio with her children.
19. On January 3, 2021, Ms. Copeland took her then 20-year-old daughter Malana Wells and 10-year-old E.C. to dinner at Oak and Embers Tavern in Pinecrest.
20. Ms. Copeland, who had eaten at another Oak and Embers Tavern location before, ordered an entrée she had previously enjoyed.
21. E.C. ordered chicken wings.
22. When the family received their food, Ms. Copeland noticed it was cold, like it had been sitting out for some time.
23. E.C.'s chicken wings tasted spoiled, as though ingredients in the dish had gone bad. He did not eat the chicken wings.
24. Ms. Copeland politely asked their waitress to take the wings back to the kitchen and bring her son a new plate of wings.
25. The waitress did so with no issue.
26. Ms. Copeland ate most of her own meal, although she noticed it was not as good as her previous experience.
27. When the waitress returned with a new plate of wings, Ms. Copeland tried the food and discovered it still tasted spoiled.
28. Again, E.C. did not eat the wings.

Ms. Copeland politely asks the charges for the uneaten food be removed from her bill

29. When the waitress brought the check for the food, Ms. Copeland politely asked that the chicken wings be taken off the bill because the food was inedible and E.C. had barely touched his plate.

30. The waitress told Ms. Copeland she would need to check with her boss and left the table.
31. A male manager then came to speak with Ms. Copeland and told her that he could remove the wings from the bill, but would first need to check with the owner, Defendant Garofoli.
32. The manager left the table and went towards the back of the restaurant to speak with Defendant Garofoli.
33. Ms. Copeland watched the manager communicate her request for the chicken wings to be removed from her bill to Defendant Garofoli.
34. On information and belief, the manager never told Defendant Garofoli that Ms. Copeland was refusing to pay her entire bill.
35. Instead of coming to speak with her personally, Defendant Garofoli sent the manager back to Ms. Copeland's table.

Defendant Garofoli calls the police on Ms. Copeland

36. When the manager came back to Ms. Copeland's table, he informed her Defendant Garofoli had refused to remove the chicken wings from the bill and had instructed the manager to call the police on Ms. Copeland if she refused to pay for the spoiled item.
37. Ms. Copeland, who had done nothing wrong or illegal, respectfully told the manager that she would wait for the police to arrive and remained at her table with her children.
38. Defendant Garofoli then called the Orange Village Police Department. On information and belief, Garofoli called the 9-1-1 emergency line.
39. There was no emergency.
40. Ms. Copeland and her children waited calmly and quietly at their table.

Police arrive and Defendant Garofoli orally attacks Ms. Copeland and misrepresents her actions to police

41. A few minutes later, because of the call, Orange Police Patrolman Mark T. Ramsey entered the restaurant and spoke with the male manager near the front desk.
42. Because of the nationally publicized, violent police-misconduct incidents that had occurred during recent years and months, Ms. Copeland and her children were frightened for their safety.
43. Believing she was being targeted because of her race and unsure of how the officer would respond to the situation, Ms. Copeland pulled out her phone and began video-recording her interactions.
44. The video recording of the encounter is manually filed with this complaint as **Ex. 1**.
45. Ms. Copeland told her children to go wait for her outside the restaurant so they would not witness her interaction with police, if it turned violent.
46. She then left her table and went to the front to speak with Patrolman Ramsey.
47. Ms. Copeland explained to him that E.C. had been served inedible food and that she was requesting that his uneaten and spoiled chicken wings be removed from her bill.
48. She informed Patrolman Ramsey that the restaurant had unnecessarily threatened to call the police over the minor issue.
49. Patrolman Ramsey confirmed with Ms. Copeland and the male manager that she had not eaten the wings and that she was willing to pay for the rest of her bill.
50. Patrolman Ramsey told the male manager that he believed it was “reasonable” for Ms. Copeland to ask for the uneaten wings to be removed from her bill.
51. The male manager told Patrolman Ramsey that he was not the one who placed the call to police.

52. Patrolman Ramsey asked the male manager to go get the individual who did place the call so he could explain to him directly why it was inappropriate to call the police over a customer refusing to pay for a single inedible item.
53. The male manager left to find Defendant Garofoli.
54. While they waited, Patrolman Ramsey remarked to Ms. Copeland that he found calling police on Black customers to be “unacceptable” and that customers requesting inedible items to be removed from their bills was part of “the price of doing business.”
55. When Defendant Garofoli came to the front of the restaurant, he assumed that Ms. Copeland was refusing to pay her bill.
56. Ms. Copeland had never threatened to leave the restaurant without paying.
57. Defendant Garofoli made this assumption based solely on the color of Ms. Copeland’s skin.
58. Patrolman Ramsey explained to Defendant Garofoli that Ms. Copeland was not refusing to pay for her bill, but only for the spoiled chicken wings that E.C. did not eat.
59. Patrolman Ramsey told Defendant Garofoli, “I don’t see how you can make someone pay for something they didn’t consume.”
60. When Defendant Garofoli realized that Patrolman Ramsey was unwilling to serve as his weapon to harass black customers, Defendant Garofoli, as a way of cutting off the conversation, said in exasperation that he would pay for the wings.
61. When Ms. Copeland tried to explain to Defendant Garofoli that she felt his treatment of her had been hostile, Defendant Garofoli angrily cut her off and demanded that she “get out” of his restaurant, a place of public accommodation.
62. On information and belief, Defendant Garofoli had never similarly treated white customers who asked that an item be removed from a bill because of quality or taste issues.

63. He never called for police about white customers who asked that an item be removed from a bill because of quality or taste issues.
64. He never told such customers to “get out” of his restaurant.
65. Defendant Garofoli stormed away before Ms. Copeland or Patrolman Ramsey could explain to him that his behavior was unacceptable, markedly hostile, and racially discriminatory.
66. Defendants delivered services in a markedly hostile manner and in a manner that a reasonable person would find objectively discriminatory.
67. Defendants’ petty conduct was profoundly contrary to their own manifest financial interests; far outside of widely accepted business norms for restaurants; and so arbitrary on its face, that the conduct supported Ms. Copeland’s rational inference of discrimination.
68. Patrolman Ramsey and Ms. Copeland tried to get Mr. Garofoli’s name for the police record, but Defendant Garofoli refused to turn around and identify himself as the person who personally placed the call to the police.
69. Ms. Copeland thanked Patrolman Ramsey for responding to the call and they both walked outside to meet Ms. Copeland’s children.
70. E.C., who has a disability, became anxious seeing his mother confronted by police and developed a nervous tic.
71. Humiliated and angry, Ms. Copeland and her children left the establishment.
72. Ms. Copeland was disheartened by the racial discrimination and Defendant Garofoli’s assumption that she would not pay for her food. She was also distressed that her children had to witness Defendant Garofoli’s unnecessary and unjustifiable call to police.
73. Upon information and belief Oak and Embers employees, including Defendant Garofoli, have unjustifiably profiled and called the police on Black customers on multiple occasions—

at a time when our nation has publicly grappled with the impact of violent and deadly encounters between police officers and Black citizens.

74. When Defendant Garofoli called the police on Ms. Copeland, he equated her life with the value of a plate of chicken wings.

Claim 1

**RACE, COLOR, AND AGE DISCRIMINATION IN PUBLIC ACCOMMODATION AND AIDING AND ABETTING UNDER R.C. 4112.02(G) AND (J)
(AGAINST ALL DEFENDANTS)**

75. Plaintiffs incorporate all previous allegations.

76. Under R.C. 4112.02(G), it is an unlawful discriminatory practice for any proprietor, employee, keeper, or manager of a place of public accommodation to deny people the full enjoyment of the accommodations, advantages, facilities, or privileges of a place of public accommodation because of their race or color.

77. Under R.C. 4112.02(J), it is an unlawful discriminatory practice “[f]or any person to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, to obstruct or prevent any person from complying with this chapter or any order issued under it, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice.”

78. Under R.C. 4112.99, whoever violates their legal obligations under R.C. 4112.02(G) or (I) is subject to a civil action for damages, injunctive relief, or any other appropriate relief.

79. As a restaurant, Oak and Embers Tavern in Pinecrest, Ohio was a “place of public accommodation” as defined in R.C. 4112.01(A)(9).

80. Defendants LG Darrow, Inc. and Marc Garofoli intentionally and maliciously discriminated against Ms. Copeland based on her race and color (Black) in the services provided to her, including, but not limited to:

- a. Defendant Garofoli assuming based on the color of her skin that Ms. Copeland would not pay her food, though Ms. Copeland had never threatened such action;
- b. Defendant Garofoli threatening to call and then actually calling the police, though Ms. Copeland was not threatening or harassing him or anyone in the restaurant, at a time when he knew that police encounters with Black citizens can quickly escalate and become deadly;
- c. Defendant Garofoli making false and misleading claims to police to justify his discrimination and seeking to weaponize them to serve as an instrument of harassment against Ms. Copeland.

81. As detailed above and in the following claim, Defendants aided, abetted, incited, compelled, and coerced the doing of act declared by R.C. 4112.02 to be unlawful discriminatory practices, obstructed and prevented persons, namely employees, from complying with R.C. Chapter 4112, and attempted directly and indirectly to commit acts declared by R.C. 4112.02 to be unlawful discriminatory practices.

82. Defendant LG Darrow, Inc. is vicariously liable for its agents' acts toward Plaintiffs, including the acts of Defendant Garofoli.

83. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs have suffered and will continue to suffer non-economic damages for which Defendants are liable including, but not limited to, pain and suffering, emotional distress, and other damage.

84. Defendants' acts were willful, egregious, malicious, and worthy of substantial sanction to punish and deter Defendants and others from engaging in this type of unlawful conduct.

Claim 2
DISCRIMINATION (RETALIATION) IN PUBLIC ACCOMMODATIONS AND AIDING AND
ABETTING UNDER R.C. 4112.02(I) AND (J)
(AGAINST ALL DEFENDANTS)

85. Plaintiffs incorporate all previous allegations.
86. Under R.C. 4112.02(I), it is an unlawful discriminatory practice to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice—including the race and color public-accommodations discrimination outlawed by R.C. 4112.02(G).
87. Under R.C. 4112.02(J), it is an unlawful discriminatory practice “[f]or any person to aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, to obstruct or prevent any person from complying with this chapter or any order issued under it, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice.”
88. Under R.C. 4112.99, whoever violates their legal obligations under R.C. 4112.02(I) is subject to a civil action for damages, injunctive relief, or any other appropriate relief.
89. Defendants LG Darrow, Inc. and Marc Garofoli intentionally and maliciously retaliated against Plaintiffs because they opposed being profiled by their race and color when attempting to communicate with restaurant staff and pay for the meal.
90. Defendants LG Darrow, Inc. and Garofoli retaliated against Plaintiffs by, among other things:
- a. Defendant Garofoli threatening to call the police on Ms. Copeland after she repeatedly, lawfully, and respectfully asked for an inedible food item to be removed from her bill and made it clear that she would pay for all other items;
 - b. Defendant Garofoli calling the police on Ms. Copeland, though Ms. Copeland was not acting in a harassing or threatening way and he had not even spoken with her

directly—at a time when he was aware that escalating or deadly police encounters with Black citizens had frequently been in the news;

- c. Defendant Garofoli making false and misleading claims to police to justify his discrimination and seeking to weaponize them to serve as his instrument of harassment against Ms. Copeland and her children.
91. As detailed above Defendants aided, abetted, incited, compelled, and coerced the doing of act declared by R.C. 4112.02 to be unlawful discriminatory practices, obstructed and prevented persons, namely employees, from complying with R.C. Chapter 4112, and attempted directly and indirectly to commit acts declared by R.C. 4112.02 to be unlawful discriminatory practices.
 92. Defendant LG Darrow, Inc. is vicariously liable for its agents' acts toward Plaintiffs, including the acts of Defendant Garofoli.
 93. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs have suffered and will continue to suffer non-economic damages for which Defendants are liable including, but not limited to, pain and suffering, emotional distress, and reputational damage.
 94. Defendants' acts were willful, egregious, malicious, and worthy of substantial sanction to punish and deter Defendants and others from engaging in this type of unlawful conduct.

Claim 3
CIVIL FALSIFICATION UNDER R.C. 2921.13(G) AND R.C. 2921.13(A)(2)—(3) AND CIVIL
LIABILITY FOR CRIMINAL ACTS UNDER R.C. 2307.60(A)(1)
(AGAINST ALL DEFENDANTS)

95. Plaintiffs incorporate all previous allegations.
96. Under R.C. 2921.13(A), it is an unlawful criminal act to knowingly make a false statement to a public official with intent to mislead the public official in performing his or her official function.

97. Under R.C. 2921.13(G), whoever makes these false statements, including those under 2921.13(A)(2)—(3), is liable in a civil action to any person harmed by the violation for injury or loss to a person or property incurred because of the commission of the offense, and for reasonable attorneys' fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under that division. (And R.C. 2921.13(G) further provides that a civil action under that division is not the exclusive remedy of a person who incurs injury or loss to person or property because of a violation of R.C. 2921.13).
98. Also, under R.C. 2307.60(A)(1), anyone injured in person or property by a criminal act, including criminal acts under R.C. 2921.13(A), has a civil cause of action and may recover costs of maintaining the action, attorney fees, and punitive or exemplary damages.
99. The conduct complained of above constitutes criminal acts by Defendant Garofoli individually and through personal liability for organizational conduct under R.C. 2901.24 and, by the other Defendant, through vicarious and organizational criminal liability under R.C. 2901.23. The crimes include, but are not limited to, making false statement under R.C. 2921.13(A)(2) with purpose to incriminate another and R.C. 2921.13(A)(3) with purpose to mislead public officials, namely police officers, in performing their official duties.
100. Defendants' false statements included, but were not limited to, various claims that Ms. Copeland was refusing to pay for the meal she had consumed and was attempting to dine-and-dash.
101. Defendant Garofoli was an agent and employee of an organization as defined in R.C. 2901.24 and acted with the kind of culpability required for the commission of the offense. At least one of the following apply:
- a. In the name of the organization or on its behalf, he engaged in conduct constituting a discriminatory offense; and

- b. He had primary responsibility to discharge a duty imposed on the organization by law—namely the duty to not create falsified or misleading reports to police or other public officials—and did not discharge those duties.
102. As a direct and proximate result of Defendants’ criminal conduct, which showed a spirit of ill-will, discrimination, and disregard of Plaintiffs’ rights, Plaintiffs have suffered and will continue to suffer damages for which Defendants are liable, including, but not limited to mental and emotional suffering.

Claim 4
CIVIL LIABILITY FOR CRIMINAL ACTS UNDER R.C. 2307.60(A)(1) AND R.C. 2917.32(A)(3)
(MAKING FALSE ALARMS)
(AGAINST ALL DEFENDANTS)

103. Plaintiffs incorporate all previous allegations.
104. Under R.C. 2917.32(A)(3), it is a criminal act to report to any law-enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.
105. Under R.C. 2307.60(A)(1), anyone injured in person or property by a criminal act, including criminal acts under R.C. 2917.32(A)(3), has a civil cause of action and may recover costs of maintaining the action, attorney’s fees, and punitive or exemplary damages.
106. The conduct complained of above constitutes criminal acts by Defendant Garofoli individually and through personal liability for organizational conduct under R.C. 2901.24 and, by the other Defendant, through vicarious and organizational criminal liability under R.C. 2901.23.
107. Defendant Garofoli was an agent or employee of Defendant LG Darrow, Inc. and acted on its behalf and within the scope of his office or employment.

108. Defendant Garofoli was an agent and employee of an organization as defined in R.C. 2901.24 and acted with the kind of culpability required for the commission of the offense. At least one of the following apply:
- a. In the name of the organization or on its behalf, he engaged in conduct constituting the offense; and
 - b. He had primary responsibility to discharge a duty imposed on the organization by law—namely the duty to not make false alarms or report offenses to law enforcement with knowledge that the offenses did not occur—and did not discharge those duties.
109. As a direct and proximate result of Defendants’ criminal conduct, which showed a spirit of ill-will, discrimination, and disregard of Plaintiffs’ rights, Plaintiffs have suffered and will continue to suffer damages for which Defendants are liable, including, but not limited to mental and emotional suffering.
110. Defendants’ acts were willful, egregious, malicious, and worthy of substantial sanction to punish and deter Defendant Garofoli and others from engaging in this type of unlawful conduct.

Claim 5
CIVIL LIABILITY FOR CRIMINAL ACTS UNDER R.C. 2307.60(A)(1) AND
R.C. 2905.12(A)(4)–(5) (COERCION)
(AGAINST ALL DEFENDANTS)

111. Plaintiffs incorporate all previous allegations.
112. Under R.C. 2305.12(A)(4)–(5), it is a criminal offense to institute or threaten criminal proceedings against any person, or to threaten to take official action against any person, with purpose of coercing another into taking or refraining from action which he or she has legal freedom to do.

113. Under R.C. 2307.60(A)(1), anyone injured in person or property by a criminal act, including criminal acts under R.C. 2305.12(A)(4)–(5), has a civil cause of action and may recover costs of maintaining the action, attorney's fees, and punitive or exemplary damages.

114. The conduct complained of above constitutes criminal acts by Defendant Garofoli individually and through personal liability for organizational conduct under R.C. 2901.24 and, by the other Defendant, through vicarious and organizational criminal liability under R.C. 2901.23.

115. The crimes include, but are not limited to, threatening to call the police to initiate criminal proceedings against Ms. Copeland to coerce her into paying for food she did not eat, though she had legal freedom to request that the food be removed from her bill because of its spoiled quality.

116. Defendant Garofoli was an agent and employee of an organization as defined in R.C. 2901.24 and acted with the kind of culpability required for the commission of the offense. At least one of the following apply:

- a. In the name of the organization or on its behalf, he engaged in conduct constituting the offense; and
- b. He had primary responsibility to discharge a duty imposed on the organization by law—namely the duty to not threaten police action or criminal proceedings against customers to coerce them into complying with his desires—and did not discharge those duties.

117. As a direct and proximate result of Defendants' criminal conduct, which showed a spirit of ill-will, discrimination, and disregard of Plaintiffs' rights, Plaintiffs have suffered and will continue to suffer damages for which Defendants are liable, including, but not limited to mental and emotional suffering.

118. Defendants' acts were willful, egregious, malicious, and worthy of substantial sanction to punish and deter Defendant Garofoli and others from engaging in this type of unlawful conduct.

Claim 6
CIVIL LIABILITY FOR CRIMINAL ACTS UNDER R.C. 2307.60(A)(1) AND R.C. 2917.21(A)(10)
AND (B)(1)
(TELECOMMUNICATIONS HARASSMENT)
(AGAINST ALL DEFENDANTS)

119. Plaintiffs incorporate all previous allegations.

120. Under R.C. 2917.21(A)(10) and (B)(1), it is a criminal offense to knowingly use telecommunications with the purpose of harassing another person, or with the purpose of inciting another to harass the person.

121. Under R.C. 2307.60(A)(1), anyone injured in person or property by a criminal act, including criminal acts under R.C. 2917.21(A)(10) and (B)(1), has a civil cause of action and may recover costs of maintaining the action, attorney's fees, and punitive or exemplary damages.

122. The conduct complained of above constitutes criminal acts by Defendant Garofoli individually and through personal liability for organizational conduct under R.C. 2901.24 and, by the other Defendant, through vicarious and organizational criminal liability under R.C. 2901.23.

123. The crimes include, but are not limited to, using telecommunications to contact police with the purpose of inciting police to harass and participate in the harassment of Plaintiffs.

124. Defendant Garofoli was an agent and employee of an organization as defined in R.C. 2901.24 and acted with the kind of culpability required for the commission of the offense. At least one of the following apply:

- a. In the name of the organization or on its behalf, he engaged in conduct constituting the offense; and
 - b. He had primary responsibility to discharge a duty imposed on the organization by law—namely the duty to not use telecommunications with police as a way of inciting police to harass Plaintiffs—and did not discharge those duties.
125. As a direct and proximate result of Defendants’ criminal conduct, which showed a spirit of ill-will, discrimination, and disregard of Plaintiffs’ rights, Plaintiffs have suffered and will continue to suffer damages for which Defendants are liable, including, but not limited to mental and emotional suffering.
126. Defendants’ acts were willful, egregious, malicious, and worthy of substantial sanction to punish and deter Defendant Garofoli and others from engaging in this type of unlawful conduct.

Claim 7
CIVIL LIABILITY FOR CRIMINAL ACTS UNDER R.C. 2307.60(A)(1), R.C. 128.96(F) AND (G)
(CALLING AN EMERGENCY LINE)
(AGAINST ALL DEFENDANTS)

127. Plaintiffs incorporate all previous allegations
128. Under R.C. 128.96(F) and (G), it is a criminal offense to call the 9-1-1 emergency line knowing there is not an emergency or to use the 9-1-1 system for any purpose other than obtaining emergency service.
129. Under R.C. 2307.60(A)(1), anyone injured in person or property by a criminal act, including criminal acts under R.C. 128.96(F) and (G), has a civil cause of action and may recover costs of maintaining the action, attorney's fees, and punitive or exemplary damages.
130. The conduct complained of above constitutes criminal acts by Defendant Garofoli individually and through personal liability for organizational conduct under R.C. 2901.24

and, by the other Defendant, through vicarious and organizational criminal liability under R.C. 2901.23.

131. The crimes include, but are not limited to, on information and belief, calling a 9-1-1 emergency line on a Black customer knowing that there was no emergency and no law-enforcement were needed.

132. Defendant Garofoli was an agent and employee of an organization as defined in R.C. 2901.24 and acted with the kind of culpability required for the commission of the offense.

At least one of the following apply:

- a. In the name of the organization or on its behalf, he engaged in conduct constituting the offense; and
 - b. He had primary responsibility to discharge a duty imposed on the organization by law—namely the duty to not call the 9-1-1 emergency line for non-emergencies— and did not discharge those duties.
133. As a direct and proximate result of Defendants’ criminal conduct, which showed a spirit of ill-will, discrimination, and disregard of Plaintiffs’ rights, Plaintiffs have suffered and will continue to suffer damages for which Defendants are liable, including, but not limited to mental and emotional suffering.

134. Defendants’ acts were willful, egregious, malicious, and worthy of substantial sanction to punish and deter Defendant Garofoli and others from engaging in this type of unlawful conduct.

Claim 8
CIVIL LIABILITY FOR CRIMINAL ACTS UNDER R.C. 2307.60(A)(1) AND R.C. 2909.04(A)(1)
AND (B)
(DISRUPTING PUBLIC SERVICES)
(AGAINST ALL DEFENDANTS)

135. Plaintiffs incorporate all previous allegations.

136. Under R.C. 2909.04(A)(1) and (B), it is a criminal offense to purposely interrupt or impair public service communications or telecommunications devices used for police, fire, educational, commercial, or governmental operations.
137. Under R.C. 2307.60(A)(1), anyone injured in person or property by a criminal act, including criminal acts under R.C. 2909.04(A)(1) and (B), has a civil cause of action and may recover costs of maintaining the action, attorney's fees, and punitive or exemplary damages.
138. The conduct complained of above constitutes criminal acts by Defendant Garofoli individually and through personal liability for organizational conduct under R.C. 2901.24 and, by the other Defendants, through vicarious and organizational criminal liability under R.C. 2901.23.
139. The crimes include, but are not limited to, interrupting essential public-service communications and police-telecommunications lines with unnecessary, unjust, and discriminatory calls for assistance.
140. Defendant Garofoli was an agent and employee of an organization as defined in R.C. 2901.24 and acted with the kind of culpability required for the commission of the offense. At least one of the following apply:
- a. In the name of the organization or on its behalf, he engaged in conduct constituting the offense; and
 - b. He had primary responsibility to discharge a duty imposed on the organization by law—namely the duty to not interrupt essential public-service and police-telecommunications lines—and did not discharge those duties.
141. As a direct and proximate result of Defendants' criminal conduct, which showed a spirit of ill-will, discrimination, and disregard of Plaintiffs' rights, Plaintiffs have suffered and

will continue to suffer damages for which Defendants are liable, including, but not limited to mental and emotional suffering.

142. Defendants' acts were willful, egregious, malicious, and worthy of substantial sanction to punish and deter Defendant Garofoli and others from engaging in this type of unlawful conduct.

Claim 9
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(AGAINST ALL DEFENDANTS)

143. Plaintiffs incorporate all previous allegations.

144. In conducting themselves as they did, including but not limited to discrimination, retaliation, and criminal acts against Plaintiffs, Defendants either intended to cause emotional distress or knew or should have known that the actions taken would result in serious emotional distress to her.

145. Defendants' conduct in assuming because of the color of her skin that Ms. Copeland was attempting to avoid paying for her meal and then calling the police to deal with Ms. Copeland in front of her children was extreme and outrageous. The conduct went beyond all possible bounds of human decency and was such that it could be considered intolerable in civilized society

146. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs have suffered mental anguish for which Defendants are liable.

147. Defendants' acts were willful, egregious, malicious, and worthy of substantial sanction to punish and deter Defendants and others from engaging in this type of unlawful conduct.

PRAYER FOR RELIEF

For the reasons stated, Plaintiffs state that total damages exceed \$25,000, and respectfully requests the following relief from the Court:

1. Declare that Defendants' acts and conduct constitute violations of state law;
2. Enter judgment in Plaintiffs' favor on all claims for relief;
3. Award Plaintiffs full compensatory damages, economic and non-economic, including, but not limited to, damages for pain and suffering, mental anguish, emotional distress, humiliation, and inconvenience that Plaintiffs have suffered and are reasonably certain to suffer in the future;
4. Award Plaintiffs punitive damages for Defendants' egregious, willful, and malicious conduct;
5. Award pre- and post-judgment interest at the highest lawful rate;
6. Award Plaintiffs their reasonable attorney fees and all other costs of this suit;
7. Award all other relief in law or equity, including injunctive relief, to which Plaintiffs are entitled and that the Court deems equitable, just, or proper.

JURY DEMAND

Plaintiffs respectfully demand a trial by jury on all issue within this complaint.

Date: January 22, 2025

Respectfully submitted,

THE CHANDRA LAW FIRM LLC

/s/ Subodh Chandra

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*Attorneys for Plaintiffs Shirelle Copeland, E.C., and
Melana Wells*

TO THE CLERK:

Please serve the Defendants at the addresses listed in the caption by certified mail, return receipt requested.

/s/ Subodh Chandra
Subodh Chandra (0069233)

*One of the attorneys for Plaintiffs Shirelle Copeland, E.C.,
and Melana Wells*